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SENT VIA U.S. MAIL AND E-MAIL

MEMORANDUM

TO: D.T.E. 00-64 Service List and All 413 Western Massachusetts LNP and Wireless Carriers

FROM: Paula Foley, Hearing Officer
April Mulqueen, Assistant Director, Telecommunications Division

DATE: October 29, 2001

RE: Request for Data

Thank you for assisting the Massachusetts Department of Telecommunications and Energy (ADEPARTMENT@) in its recent request for forecast and utilization data concerning the 413 numbering plan area in western Massachusetts. Overall, carriers were both helpful and diligent in their responses to our request. However, in responding, several carriers either questioned the Department's authority to request such information, or suggested that in the future, the Department obtain the information it seeks directly from NANPA and not from carriers. Because there is apparently some confusion within the industry regarding carriers' reporting responsibilities, the Department offers this clarification for carriers that control or seek future numbering resources in Massachusetts.

In the First NRO Report and Order,¹ the Federal Communications Commission (AFCC@) eliminated states' ability to require carriers to report forecast and utilization data on a regular

¹ Numbering Resource Optimization, CC Docket 99-200, Report and Order and Further Notice of Proposed Rulemaking, FCC 00-104 (rel. March 31, 2000) (AFIRST NRO Report and Order@).

basis, but did grant states= access to federally ordered reports from NANPA. First NRO Report and Order at & 76. In addition, the FCC stated, A[O]ur prohibition on state-ordered reporting does not apply in instances where states need to gather data for a specific purpose, as long as these data reporting requirements do not become regularly scheduled state-level requirements.@ Id. In the Second NRO Report and Order,² the FCC further clarified state commissions= access to data by stating, AWe declined to delegate authority to state commissions to impose additional *regularly scheduled reporting requirements* on carriers because of our belief that such authority would undermine the purpose of establishing regularly scheduled, uniform federal reporting requirements.@ Second NRO Report and Order at & 116 (emphasis added). Later, in a discussion about states= access to numbering resource application information, the FCC stated, A[W]e do not preclude carriers from providing more or different information to the states if the carrier agrees to do so or if the state has a separate basis for the request (e.g., for auditing purposes).@ Id. at & 122 n.314.

Consistent with the FCC=s directives, the Department has both received and reviewed confidential reports from NANPA and has refrained from requiring regularly scheduled state-level information from carriers. Also consistent with the FCC=s directives, the Department may, as in the current instance, request information from carriers with numbering resources in Massachusetts in order to assist the Department in its investigatory role regarding a particular matter. This in no way amounts to a Aregular reporting requirement@precluded by the FCC. In addition, the fact that carriers must respond to federally mandated reporting requirements does not relieve carriers of their obligations towards state regulatory authorities. State commissions likewise have a corresponding obligation to carriers to respond in a timely manner to petitions for waiver of NANPA denials of code requests. See DTE Letter Order Granting Verizon=s Request for 617-998 Code for Harvard University, D.T.E. 01-33 (June 19, 2001); DTE Letter Order Granting Verizon=s Request for Growth Code in the 617/857 NPA, D.T.E. 01-33 (July 9, 2001); DTE Letter Order Granting Verizon=s Request for Growth Numbers in the 508/774 NPA, D.T.E. 01-33 (August 16, 2001).

While we understand that Department requests for data impose an additional burden on responding carriers, the Department would be remiss if we undertook an investigation, such as that faced in D.T.E. 00-64, without enlisting carriers= direct input. Carriers that do not assist the Department in its investigatory role risk their ability to receive future numbering resources in Massachusetts. We appreciate and expect carriers= full cooperation with such requests in any Department investigation. If you have any questions, please contact Paula Foley, Hearing Officer, at (617) 305-3608, or April Mulqueen Assistant Director of the Telecommunications Division, at (617) 305-3748.

² Numbering Resource Optimization, Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200, FCC 00-429 (rel. December 29, 2000) (ASecond NRO Report and Order@).